



FAIR POLITICAL PRACTICES COMMISSION

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To: Chairman Johnson, Commissioners Hodson, Huguenin, Leidigh, and Remy
From: Roman G. Porter, Executive Director
Subject: Monthly report on Commission activities
Date: October 2, 2008

This is a summary of administrative activity and other matters since the report sent to you prior to the last meeting of the Commission.

A. Personnel

Hires

Van Vu, Assistant Chief, Enforcement Division

Separations

None

B. Staff Projects

Technical Assistance Division—Seminars/Filing Officer Outreaches:

During the month of September, Technical Assistance Division staff Trish Mayer, Terrance Rodgers and Kevin Moen conducted several campaign seminars for local candidates and treasurers. These seminars were held in Santa Clara, Fountain Valley, Brentwood and Orange County. Cynthia Jones provided a campaign outreach for the Chula Vista City Clerk. Seminars held in August and September were attended by over 550 participants.

C. Conflict-of-Interest Code: adoption and amendments

Pursuant to Section 87300 of the Government Code and Commission Regulation 18750.1, state and multi-county agencies seeking to adopt or substantively amend a conflict-of-interest code must submit the proposed code to the Commission for review and approval. The Technical Assistance Division has reviewed and, since the last agenda, I approved the following conflict-of-interest code amendments:

Code Amendments:

San Joaquin Valley Drainage Authority
Yucaipa Valley Water District
West Kern Water District

D. Requests for extension of committee termination

Neighbors for Rogers (ID No. 951897). A request for extension of termination deadline was granted on September 22, 2008, and the termination deadline was extended to April 1, 2009.

E. Findings of probable cause

Pursuant to Regulation 18361.4, I found sufficient evidence in the following cases to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion the following respondent(s) committed or caused a violation(s) of the Political Reform Act. *These findings of probable cause do not constitute a finding that a violation has actually occurred. The respondent(s) is/are presumed to be innocent of any violation of the Act unless a violation is proved in a subsequent proceeding.*

In the Matter of Mike Briggs, Briggs for Assembly, and Sharron Nisbett, FPPC No. 05/771.

On September 10, 2008, probable cause was found to believe Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett committed thirteen violations of the Political Reform Act, as follows:

Count 1:

Respondent Mike Briggs failed to file a statement of intention to be a candidate for the State Assembly prior to receiving contributions for his legislative campaign, in violation of Government Code Section 85200.

Count 2:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to file a statement of organization for Respondent Briggs for Assembly within 10 days of Respondent Briggs for Assembly qualifying as a recipient committee in violation of Government Code Section 84101, subdivision (a).

Count 3:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to file a pre-election campaign statement by the October 10, 2003, due date, for the reporting period January 1 through September 30, 2003, in violation of Government Code Sections 84200.3 and 84200.4, subdivision (a).

Count 4:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to maintain detailed accounts, records, bills, and receipts that were necessary to prepare campaign statements for the reporting periods from January 1 through December 31, 2003, in violation of Government Code Section 84104.

Count 5:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to disclose occupation and employer information for individuals who contributed \$100 or more on a pre-election campaign statement for the reporting period from January 1 through September 30, 2003, in violation of Government Code Section 84211, subdivision (f).

Count 6:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to disclose occupation and employer information for individuals who contributed \$100 or more on a pre-election campaign statement for the reporting period from October 1 through December 31, 2003, in violation of Government Code Section 84211, subdivision (f).

Count 7:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to disclose occupation and employer information for individuals who contributed \$100 or more on a pre-election campaign statement for the reporting period from January 1 through January 17, 2004, in violation of Government Code Section 84211, subdivision (f).

COUNT 8:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to disclose occupation and employer information for individuals who contributed \$100 or more on a semi-annual campaign statement for the reporting period from January 18 through February 14, 2004, in violation of Government Code Section 84211, subdivision (f).

COUNT 9:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to file a paper and an electronic late contribution report within 24 hours of receiving late contributions on February 26, 2004, totaling \$3,500, by the applicable due date, in violation of Government Code Sections 84203 and 84605, subdivision (a).

COUNT 10:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to file a paper and an electronic late contribution report within 24 hours of receiving a late contribution on February 27, 2004, totaling \$1,400, by the applicable due date, in violation of Government Code Sections 84203 and 84605, subdivision (a).

COUNT 11:

Respondent Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to file a paper and an electronic semi-annual campaign statement by the August 2, 2004, due date for the period February 15 to June 30, 2004, in violation of Government Code Sections 84200, subdivision (a) and 84605, subdivision (a).

COUNT 12:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to maintain detailed accounts, records, bills, and receipts that were necessary to prepare campaign statements for the reporting periods from January 1 through June 30, 2004, in violation of Government Code Section 84104.

COUNT 13:

Respondents Mike Briggs, Briggs for Assembly, and Sharron Nisbett, failed to file a statement of termination, in violation of Government Code Section 84214.

In the Matter of Diana Verdugo, FPPC No. 07/755. On September 10, 2008, probable cause was found to believe Respondent Diana Verdugo committed one violation of the Political Reform Act, as follows:

COUNT 1:

As a designated employee of the California Department of Consumer Affairs as a member of the Speech-Language Pathology and Audiology Board, Respondent Diana Verdugo failed to file a 2006 Annual Statement of Economic Interests by the April 2, 2007, due date, in violation of Section 87300 of the Government Code.

In the Matter of Citizens for Better Government and Michael Lewis, FPPC No. 03/133.

On September 10, 2008, probable cause was found to believe Respondents Citizens for Better Government and Michael Lewis committed five violations of the Political Reform Act, as follows:

COUNT 1:

Respondent Citizens for Better Government and Respondent Michael Lewis failed to disclose late contributions made to the Committee to Elect Blanca M. Figueroa for \$4,700, Friends of Hector Delgado for \$1,250, and Friends to Elect Luis Aguinaga for \$1,250, on or about February 28, 2003, in a late contribution report, in violation of Government Code section 84203.

Count 2:

On or about February 28, 2003, Respondent Citizens for Better Government and Respondent Michael Lewis sent a mass mailing, as defined in Section 82041.5 of the Government Code, entitled "*The Choice is Clear*," containing a mixture of express advocacy and general candidate support and opposition,¹ in the March 4, 2003 City of South El Monte election, which failed to display required sender identification, in violation of Government Code section 84305, subdivision (a).

COUNT 3:

On or about February 28, 2003, Respondent Citizens for Better Government and Respondent Michael Lewis sent a mass mailing, as defined in Section 82041.5, entitled "*Four More Years*," containing general candidate support and opposition, in the March 4, 2003 City of South El Monte election, which failed to display Respondent Committee's name and failed to list a committee address, in violation of Government Code section 84305, subdivision (a).

COUNT 4:

On or about February 28, 2003, Respondent Citizens for Better Government and Respondent Michael Lewis sent a mass mailing, as defined in Section 82041.5, entitled "*How much can we trust Councilman Raul Pardo? Elect Blanca For Mayor*," containing a mixture of express advocacy and general candidate support and opposition, in the March 4, 2003 City of South El Monte election, which failed to display Respondent Committee's name and failed to list a committee address, in violation of Government Code section 84305, subdivision (a).

COUNT 5:

On or about February 28, 2003, Respondent Citizens for Better Government and Respondent Michael Lewis sent a mass mailing, as defined in Section 82041.5, entitled "*We Agree with the Opinion San Gabriel Tribune*," containing general candidate support, in the March 4, 2003 City of South El Monte election, which failed to display Respondent Committee's name and failed to list a committee address, in violation of Government Code section 84305, subdivision (a).

¹ The majority of Respondent Committee mass mailings did not expressly advocate the election or defeat of specified candidates in the March 4, 2003 South El Monte City election. The pro-rata portion of expenditures attributed to the express advocacy in the mass mailings did not qualify as independent expenditures, as defined in Government Code section 82031.